



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ZAKARYA A. MORSY
178 MADISON STREET
WILKES-BARRE, PA 18702

COPY MAILED

SEP 09 2004

OFFICE OF PETITIONS

In re Application of
Morsy
Application No. 10/749,970
Filed: June 12, 2004
For: MINI MIGHTY

ON PETITION

This decision concerns the June 12, 2004 correspondence captioned "Request." The correspondence asserts entitlement to a filing date of January 2, 2004 and requests refund of the petition fee, and is being properly treated as a petition under 37 CFR 1.53.

The petition is **DISMISSED**.


The application was deposited on January 2, 2004. As pointed out in the April 14, 2004 "Notice of Incomplete Nonprovisional Application" ("4/14/04 Notice"), this application has not been accorded a filing date because it was deposited without a specification or any claim.

The instant petition does not dispute the 4/14/04 Notice but, rather, encloses a specification, a claim and the \$130 petition fee, rendering the application eligible for a June 12, 2004 filing date, i.e., the day that the specification and the claim were filed (see attached printout of 35 U.S.C. 111(a)(1), (4) and 112; 37 CFR 1.53(b)). The petition is thus **dismissed**. The application is hereby accorded the June 12, 2004 filing date rather than the requested January 2, 2004 filing date.

Since the instant petition is not necessitated by any error of the USPTO, the \$130 petition fee will not be refunded.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of June 12, 2004, using the papers filed on that date and supplemented with the specification and claim filed with the instant petition.

Telephone inquiries should be directed to Petitions Attorney RC Tang at (703) 308-0763 (before September 15, 2004), or to the undersigned at (703) 306-5683 (before September 27, 2004) or (571) 272-3203 (after September 27, 2004).


Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Attachments: Printout of 35 U.S.C. 111(a)(1), (4) and 112; 37 CFR 1.53(b).